

ZB# 74-12

Joseph Fernandez

(no SBL given)

74-12 Hernandez, Jos.

Public Hearing
April 22nd - 8:15.
Notice published
April 12, 1974.

all fees paid

(no OCPD)

fees sent to

J.T. - 4/23/74

files and
TC

6-7-74

je

**PUBLIC NOTICE OF HEARING
BEFORE THE ZONING
BOARD OF APPEALS**
PLEASE TAKE NOTICE that the
Zoning Board of Appeals of the
Town of New Windsor, New York
will hold a public hearing pursuant
to Section 48-33-A of the Zoning
Ordinance on the following proposi-
tion:
Appeal No. 12 Request of
JOSEPH FERNANDEZ for a
Variance of the regulations of the
Zoning Ordinance to permit lot
width variance being a Variance
of Article IV, Section 18-14 C, for
property owned by him situated
as follows: Rear portion of premises
fronting on Silver Springs Road,
bordering Fernandez Avenue.
SAID HEARING will take place
on the 22nd day of April, 1974,
at the New Windsor Town Hall,
555 Union Avenue, New Windsor,
N.Y. beginning at 8:15 o'clock P.M.
FRED WYGANT,
Chairman
By PATRICIA DELIO,
Secretary
April 12, 1974

**State of New York
County of Orange, ss:**

Olga Trachewsky , being duly sworn deposes and
she
says that he is Principal Clerk of Newburgh-
Beacon News Co., Inc., Publisher of The Evening News,
a daily newspaper published and of general circulation in
the Counties of Orange and Dutchess, and that the notice
of which the annexed is a true copy was published
One Time
in said newspaper, commencing on the 12th day of
..... April A.D., 19 74 , and ending on
the 12th day of April A.D., 19 74

Subscribed and sworn to before me this
..... 15th day of April 19 74

Olga Trachewsky

Phyllis Suchoff

Notary Public of the State of New York, County of Orange.
MY COMMISSION EXPIRES MARCH 30, 19 75

7 Franklin Avenue
New Windsor, N. Y.
April 26, 1974

Howard Collett, Building Inspector
Town of New Windsor
555 Union Avenue
New Windsor, N. Y. 12550

RE: APPLICATION FOR VARIANCE
Joseph Fernandez

Dear Howard:

Kindly be advised that the above application of
Joseph Fernandez was approved as follows:

Motion to approve a 30 ft. front yard variance to
Joseph Fernandez on his property located on the southerly
side-Silver Spring Road, New Windsor, N. Y.

Yours truly,

Fred Wygant, Chairman

/pd

cc: Joseph Fernandez
Fernandez Dr.
New Windsor, N. Y.

Joseph LoScalzo
Planning Board Chairman

Adopted 12/20/65

APPLICATION FOR VARIANCE

Application No. 74-12
Date: March 14, 1974

TO THE ZONING BOARD OF APPEALS OF THE TOWN OF NEW WINDSOR, NEW YORK

I ~~XXX~~ JOSEPH FERNANDEZ of 2 Fernandez Avenue
(Street & Number)
New Windsor, New York 12550, HEREBY MAKE
(State)

APPLICATION FOR A VARIANCE:

- A. Location of the Property Southerly side of Silver Spring Road
(Street & Number) (Zone)
- B. Provision of the Zoning Ordinance Applicable: (Indicate the article, section, sub-section and paragraph of the Zoning Ordinance applicable, by number. Do not quote the ordinance.) Subdivision of premises into 3 parcels
- C. NOTE: NECESSARY FINDINGS: Before any Variance is granted, the Zoning Board of Appeals must find all of the following conditions to be present:
1. Conditions and circumstances are unique to the applicant's land, structure or building and do not apply to the neighboring lands, structures or buildings in the same zone because: The overall premises together with existing residential structures have been in existence as residences for more than 35 - 40 years last past and may be regarded as non-conforming at the time of adoption of zoning regulations.
 2. Strict application of the provisions of this ordinance would deprive the applicant of a reasonable use of the land, structure or building in a manner equivalent to the use permitted to be made by other owners of their neighboring lands, structures or buildings in the same zone because: As above set forth two of the parcels of proposed three-lot subdivision are improved with ~~residential structures in existence~~ and use similar to the residences in the same area.
 3. The unique conditions and circumstances are not the result of actions taken of the applicant subsequent to the adoption of the Ordinance because: Applicant purchased the premises with improved residential structures thereon ~~and has taken no action since adoption of ordinance to change the overall non conforming use.~~

4. Relief, if approved, will not cause substantial detriment to the public good or impair the purposes and intent of this Ordinance because: As hereinabove stated -- excepting that applicant upon approval of Variance may then be able to utilize a parcel 122 ft. front and rear by 245 deep with access on existing Fernandez Avenue.

5. Relief, if approved, will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the zone because: The only change in permitting use will be the possibility of utilizing afore-said half-acre parcel fronting on Fernandez Avenue for the purpose of erecting a residence dwelling.

D. Describe in detail how the property is to be used and submit plans or sketches in duplicate.

As hereinabove set forth.

E. Application to be accompanied by two checks, one payable to the Town of New Windsor in the amount decided by the Board and the second check payable to the Secretary for taking the public hearing minutes. Applications to be returned to: Secretary of ZBA.

F. NOTICE OF HEARING: Applicant agrees to send notice of any public hearing via registered or certified mail to all abutting land owners as required by Sec. 9.4.1. of the Ordinance.

G. If the property in question is located within a radius of 500 ft. of an adjoining municipality, the Board should be notified. Also, have your attorney check Sec. 239 I&M of the Gen. Municipal Law to see if it applies. If so, notify the Orange County Planning Board by sending them an application.

Dated: March 14, 1974

STATE OF NEW YORK) SS.:
COUNTY OF ORANGE)

Sworn to on this 14th day of March, 1974.

Joseph Fernandez
Signature of Applicant
Joseph Fernandez
2 FERNANDEZ AVE.

NEW WINDSOR N.Y.
Address

462-4092
Telephone Number

Allen J. Indzonka
(Notary Public) ALLEN J. INDZONKA
Notary Public in the State of New York
Residence on Appointment - Orange County
Residence on Appointment Expires March 30, 1974

(DO NOT WRITE IN THIS SPACE)

Application No. _____
Date of Hearing _____
Date of Decision _____

Date Received _____
Notice Published _____

DECISION:

Approved
4/22/74 - 30 ft. variance

ALLEN J. INDZONKA
ATTORNEY AT LAW
169 LIBERTY STREET
P O BOX 187
NEWBURGH, N Y 12550
914-561-0511

May 7, 1974

Zoning Board of Appeals
Town of New Windsor
Town Hall - 555 Union Avenue
New Windsor, New York 12550

Attention: Patricia Delio,
Secretary

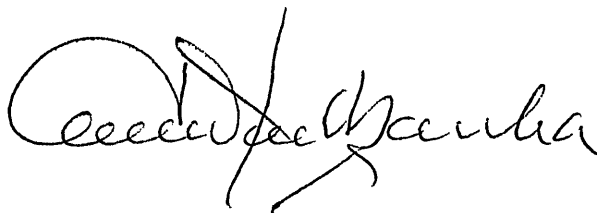
Re: Request of Joseph Fernandez for
Variance - Appeal No. 12

Gentlemen:

Enclosed for your files please find
original affidavit of publication of Public Notice
of Hearing held April 22, 1974, published in The
Evening News on April 12th.

Thanking you for your courtesies, I
am

Very truly yours

A handwritten signature in dark ink, appearing to read "Allen J. Indzonka". The signature is fluid and cursive, with a large initial "A" and a long, sweeping underline.

AJI:SM
Enc.

PUBLIC NOTICE OF HEARING BEFORE
THE ZONING BOARD OF APPEALS

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the
Town of New Windsor, New York will hold a public hearing pursuant
to Section 48-33 A of the Zoning Ordinance on the following proposition:

Appeal No. 12

Request of Joseph Fernandez for a

Variance ~~Conditional Use Permit~~ of the regulations of

the Zoning Ordinance, to permit subdivision of
(describe proposal)

premises to permit erection of residence dwelling,

being a Variance ~~Conditional Use Permit~~ of Article IV,

Section 48-14 C, for property owned by him situated

as follows: Rear portion ~~vacant land bordering~~

~~Fernandez Ave~~ of premises fronting on
Silver Spring Road ~~to~~ ~~W. 7. Ave.~~

SAID HEARING will take place on the 22nd day of APRIL, 1974,
at the New Windsor Town Hall, 555 Union Avenue, New Windsor, N. Y.
beginning at 8:15 o'clock P. M.

Fred Wygant.
Chairman

1-0511
lot width



1763

MARCH 4th
OFFICE OF THE BUILDING & ZONING INSPECTOR
TOWN OF NEW WINDSOR

Howard R. Collett
555 Union Avenue
New Windsor, New York 12550
(914) 565-8808

Februar y 27, 1974

Am. IV -
Sec. 48-14 B(c)

Zoning Board of Appeals
Town of New Windsor
555 Union Avenue
New Windsor, New York 12550

RE: Fernandez Subdivision

Gentlemen:

The Planning Board has approved the Fernandez Subdivision subject to obtaining a variance for lot width of thirty feet.

Attached please find minutes of Planning Board meeting of December 12, 1973 with reference to this subdivision.

Very truly yours,

Howard

HOWARD R. COLLETT
Building & Zoning Inspector
Town of New Windsor

HRC/pk
att.

NEW WINDSOR PLANNING BOARD MEETING
HELD AT THE NEW TOWN HALL
555 UNION AVENUE
DECEMBER 12, 1973 8:30 P.M.

7 as in 4092
BOARD MEMBERS PRESENT: CHAIRMAN JOSEPH TALLARICO, JOSEPH LOSCALZO,
LAWRENCE JONES, ERNEST SPIGNARDO, THOMAS
DOWD, HENRY VAN LEEUWEN, ALBERT ARGENIO

OTHER OFFICIALS PRESENT: ANTHONY AUSTRIA: PLANNING BOARD ATTORNEY
BERNARD KESSLER; PLANNING BOARD ENGINEER
HOWARD COLLETT: BUILDING INSPECTOR

Chairman Tallarico called the meeting to order at 9:00 P.M. after
two Public Hearings.

1 on the Agenda:

JOSEPH FERNANDEZ S/D

LOCATED ON SILVER SPRING ROAD east of Route 9 W

Chairman Tallarico: This is 3 lots. Explain to the Board what
you wish to do.

Mr. Fernandez: I want to find someone to buy three lots. My lawyer
says I should cut it up. This is a three lot subdivision. I
want to sell if I can find someone to buy it.

Chairman Tallarico: He sold some land to Maroney. He sold it a
year ago.

lot
Mr. Loscalzo: He would have to get a variance.

Chairman Tallarico: This was one parcel last year.

Attorney Austria: When did you buy this?

Mr. Fernandez: About 1 year ago.

Chairman Tallarico: This has to go before the Zoning Board.

Mr. Loscalzo: Are they hooked up with water and sewer?

Mr. Fernandez: Water, no sewer.

Mr. Van Leeuwen: He sold this (pointing to map) last year, without
Subdividing.

Mr. Dowd: Are you going to build another house?

Mr. Fernandez: No.

Chairman Tallarico: He needs a variance.

Joseph Fernandez S/D

Chairman Tallarico: He is trying to correct an error. It is illegal for us to approve this. It is ~~55~~ feet and should be 90 feet.

Mr. Dowd: He hasn't tried to do something.

→ Motion by Mr. Van Leeuwen seconded by Mr. Dowd that the New Windsor Planning Board approve the Joseph Fernandez Subdivision #73-71 subject to the Zoning Board of Appeals Variance approval. Vote -All ayes, Motion Carried.

#2 On the Agenda:

CONTINENTAL MANOR SITE PLAN 73-39

located on Temple Hill Road

Represented by Mr. Michael Mendell, Mr. Frank Valdino, and Mr. Calchamiro

Mr. Mendell: I am here with plans for final approval. If we don't build the sewer is going straight up in the sky. I have Mr. Valdino and Mr. Calchamiro with me.

Chairman Tallarico: Have you changed these plans? Have you seen these plans Bernie?

Mr. Kessler: I don't know how much of a change he has made.

Mr. Valdino: Same number of units. Just spread out more. We have one (1) retention pond. Storm water coming off the development down along railroad along the swale. There is an overflow structure here. We overflow into the retention basin. The retention basin is between the railroad and the sewer easement. The sewer line is going to be built by Sewer District 17.

Mr. Jones: Where is final disposition.

Mr. Valdino: We are not increasing the amount. Run off is the same.

Mr. Jones: I don't buy it. I want to see it in writing.

Mr. Argenio: Who owns the land where retention pond is?

Mr. Valdino: Erie Lackawanna Railroad.

Mr. Van Leeuwen: What about the other side?

Mr. Valdino: It is Stenglein property.

Mr. Loscalzo: Do you have permission from these people?

Mr. Valdino: Stenglein is not involved. A permit will have to be obtained from the Erie Lackawanna Railroad.



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OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

Chairman
Ellsworth E. Weyant
555 Union Avenue
New Windsor, New York 12550
(914) 565-8808

March 18, 1974

Mr. Joseph Fernandez
2 Fernandez Dr.
New Windsor, New York 12550

Re: Property located in Section 20, New Windsor, N.Y.

Dear Mr. Fernandez:

According to my records, the attached list of property owners are within the five hundred (500) feet of the property in question.

The charge for this service is \$25.00. Please remit same to the Town Clerk, Town of New Windsor.

Very truly yours,

ELLSWORTH E. WEYANT
Sole Assessor
Town of New Windsor

EEW/fg
att.



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OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

Chairman

Ellsworth E. Weyant

555 Union Avenue

New Windsor, New York 12550

(914) 565-8808

Smith, Michael R. & Diana M.

22 Broad St.

New Windsor, New York 12550

Respectfully submitted,

A handwritten signature in cursive script, reading "Ellsworth E. Weyant". The signature is written in dark ink and is positioned above the printed name.

ELLSWORTH E. WEYANT

Sole Assessor

Town of New Windsor



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OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

Chairman

Ellsworth E. Weyant

555 Union Avenue

New Windsor, New York 12550

(914) 565-8808

Eanni, Frank A. & Victoria
Fernandez Ave., MD#14
New Windsor, New York 12550

Smith, Joseph F. & Mary A.
Fernandez Ave., MD#14
New Windsor, New York 12550

Ostner, Christine B.
Fanewood Dr., MD#14
New Windsor, New York 12550

Newton, Robert E. & Mary T.
Union Ave., MD#14
New Windsor, New York 12550

Paolo, David & Antoinette
Quassaick Ave., MD#14
New Windsor, New York 12550

Union Free School, New Windsor
Quassaick Ave., MD#14
New Windsor, New York 12550

White, Anna & Thomas F.
21 Broad St.
New Windsor, New York 12550

Denny, Charles H. Sr. & Mary R.
15 Broad St.
New Windsor, New York 12550

Ginda, John V. & Sharon A.
76 Union Ave.
New Windsor, New York 12550



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OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

Chairman
Ellsworth E. Weyant
555 Union Avenue
New Windsor, New York 12550
(914) 565-8808

Burger, Richard & Sarah
Riverview Ave., MD#14
New Windsor, New York 12550

Coan, Mary S.B.
Silver Spring Rd., MD#14
New Windsor, New York 12550

Weyant, Ellsworth E. & Georgina
23 Clintonwood Dr.
New Windsor, New York 12550

Smith, Carrie
Union Ave. (44), MD#14
New Windsor, New York 12550

Tuttle, Gordon V. & Lulua
48 Union Ave., MD#14
New Windsor, New York 12550

Gilberti, Benjamin & Rose T.
Lattintown Rd.
Marlboro, New York

Dobson, William F. & Francis
56 Union Ave., MD#14
New Windsor, New York 12550

Decker, William F., Jr. & Carol
Union Ave., MD#14
New Windsor, New York 12550

Hladik, Daniel S. & JoAnn
62 Union Ave.
New Windsor, New York 12550

Saffioti, Dominick & Marilyn W.
Union Ave., MD#14
New Windsor, New York 12550



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TOWN OF NEW WINDSOR

Chairman

Ellsworth E. Weyant

555 Union Avenue

New Windsor, New York 12550

(914) 565-8808

Clark, Perry O. & Mary C.
Silver Spring Rd., MD#14
New Windsor, New York 12550

Cifarelli, Anthony
River View Ave., MD#14
New Windsor, New York 12550

Babcock, Joseph & Gertrude
Riverview Ave., MD#14
New Windsor, New York 12550

Mack, E.Lester & Esther M.
Riverview Ave., MD#14
New Windsor, New York 12550

Walker, Herbert F.
9 Queen St.
New Windsor, New York 12550

Jamieson, Gordon J. & Neva A.
Riverview Ave., MD#14
New Windsor, New York 12550

Dukas, John & Katherine
Silver Spring Rd., MD#14
New Windsor, New York 12550

Rourk, James B. & Edna Mae
Riverview Ave., MD#14
New Windsor, New York 12550

Mocko, George & Ann
Riverview Ave., MD#14
New Windsor, New York 12550

Daniels, Edward & Ann
Riverview Ave., MD#14
New Windsor, New York 12550



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TOWN OF NEW WINDSOR

Chairman
Ellsworth E. Weyant
555 Union Avenue
New Windsor, New York 12550
(914) 565-8808

Coan, Lawrence D. & Margaret L.
Silver Spring Rd., MD#14
New Windsor, New York 12550

Coan, Mary, John & Kelly Mary
Silver Spring Road, MD#14
New Windsor, New York 12550

Coan, John J. & Dennis M.
Silver Spring Rd., MD#14
New Windsor, New York 12550

Bouton, Bruce T. & Marion J.
4 Fernandez Ave.
New Windsor, New York 12550

Fernandez, Joseph
2 Fernandez Dr.
New Windsor, New York 12550

Newburgh Oil Co., Inc.
P.O. Box 76
New Windsor, New York 12550

Walker, Herbert Frank
Queen St., MD#14
New Windsor, New York 12550

Brew, Raymond A. & Claire
7 Queen St.
New Windsor, New York 12550

Coan, John
Silver Spring Rd., MD#14
New Windsor, New York 12550

Horaz, Alexander, & Maude
Silver Spring Rd., MD#14
New Windsor, New York 12550



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555 Union Avenue
New Windsor, New York 12550
(914) 565-8808

Pallazza, Anthony J. & Edythe E.
20 Fernandez Ave.,
New Windsor, New York 12550

Malloy, Eliot E. & Jean M.
16 Fernandez Ave.
New Windsor, New York 12550

Rolnick, Lillian M. & Frank
12 Fernandez Dr.
New Windsor, New York 12550

DeGregoria, Joseph S. & Grace
10 Fernandez Ave.
New Windsor, New York 12550

Seymour, Dolores & Mary Anna
8 Fernandez Dr.
New Windsor, New York 12550

Andruszhiewicz,, Josef & Margot
6 Fernandez Ave.
New Windsor, New York 12550

Swanson, Robert
c/o Quassaick General Store
52 Quassaick Ave.
New Windsor, New York 12550

Swanson, Kenneth G. & Lillian M.
41 Silver Spring Rd.
New Windsor, New York 12550

Croley, Randell E.
39 Silver Spring Rd.
New Windsor, New York 12550

Coan, Frances M.
Silver Spring Rd., MD#14
New Windsor, New York 12550



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OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

Chairman
Ellsworth E. Weyant
555 Union Avenue
New Windsor, New York 12550
(914) 565-8808

Moscarella, Vincent N. & Lynda E.
122 Myrtle Ave.,
New Windsor, New York 12550

Ferraiolo, John & Antoinette
4 Tree Haven Lane
New Windsor, New York 12550

Slavin, Hyman & Renee
Silver Spring Rd., MD#14
New Windsor, New York 12550

Papazian, Armen & Helen
67 Silver Spring rd.
New Windsor, New York 12550

Hammer, Leonard M. & Jennette
Silver Spring Rd., MD#14
New Windsor, New York 12550

Armour, Mark
Silver Spring Rd., MD#14
New Windsor, N.Y. 12550

Janson, John J. & Alice C.
3 Tree Haven Lane
New Windsor, New York 12550

Thompson, Charles Ivan & Jane F.
Silver Spring Rd., MD#14
New Windsor, New York 12550

Kingsley, George S. & Linds H.
59 Silver Spring Rd.
New Windsor, New York 12550

Trent, Remo & Raffaella
57 Silver Spring Rd.
New Windsor, New York 12550

SURVEY of Lands of —
— Joseph Fernandez —

TOWN OF NEW WINDSOR ORANGE COUNTY - N.Y.

By Theodore Jargstorff, L.S.

Sept. 12, 1973

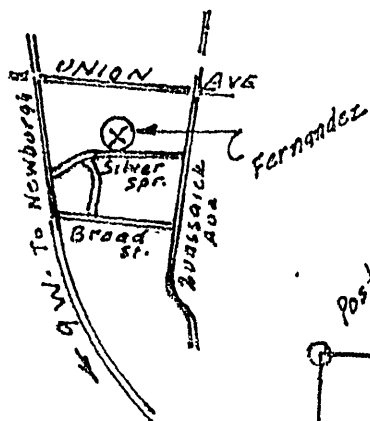
Revised: 10/1/73

{Scale: 1" = 30 Ft}



Malloy

Exist. Fernandez Rd.



Location Sketch
(R/B Zone)

Post

Ralmick

N 52° 29' W 245.50'

Stake

Exist. Fernandez

To Silver

Pallan

J. Fernandez Remaining
27682 Sq Ft.

S. 53° 06' E

N-38° 0' E 353.0' To R. Rd.

S. 38° W. 358.10 Total.

175.0' To R. Rd.

59.96'
-Note-
This parcel to be
added to Moroney
lot for minimum
area.

Total: 12566 Sq Ft

PIPE N. 55° 40' W 41.30'
PIPE N. 53° 06' E 18.70'
PIPE

Exist. House

Garage

Garage

Existing Rental Housing
To be retained by J. Fernandez
Contains: 38782 Sq Ft.
Road excluded.

(RB zone)

SWANSON

S-38°W- 358.10 Total

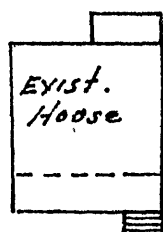
122.32'

J. Fernandez Remaining
27682 Sq Ft.

S-53°16'E

59.96'
-Note-
This parcel to be
added to Moroney
lot for minimum
area.
Total 12566 Sq Ft
Pipe N-55°40'W 41.30'
Pipe N-53°16'E 18.70'
Pipe

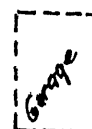
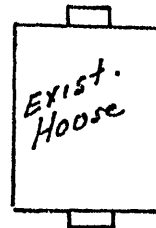
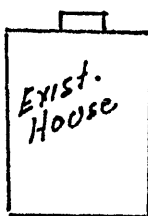
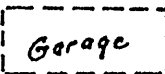
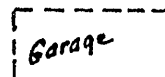
S-38°W- 175.0' to R.Rd.



Lands of
Moroney.

N-38°0'E 175.0' to R.Rd.

PIPE DRIVEWAY



- Note Houses predate Zoning-

20-

PIPE

60'

90' Right of Way

S-55°40'E 41.30'

S-53°16'E 18.70'

Centerline

S-53°16'E 185.60'

Silver Spring Road

Sanitary Sewer

Public Water main

Stake

To Quassac

N-38°0'E 353.0' to R.Rd.

Pallan

To Silver

Exis Fernandez